

**IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND**

MARYLAND SHALL ISSUE, INC., *et al.*,

Plaintiffs

v.

MONTGOMERY COUNTY, MARYLAND

Defendant

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Case No. 485899V

**DEFENDANT’S MOTION TO EXCEED PAGE LIMITATION ON OPPOSITION TO  
PLAINTIFFS’ MOTION FOR PARTIAL SUMMARY JUDGMENT**

Defendant Montgomery County, Maryland, by and through counsel and pursuant to the Rules of this Court, hereby moves for leave to exceed the page limitation applicable to Defendant’s Opposition to Plaintiffs’ Motion for Partial Summary Judgment, and Memorandum of Grounds and Authorities in Support of Defendant’s Opposition, and as grounds therefore, state as follows:

1. On May 28, 2021, Plaintiffs filed a four-count Complaint in this Court, seeking declaratory relief and an injunction against enforcing County Bill 4-21, which made changes to Chapter 57, Weapons, of the Montgomery County Code. Complaint ¶ 1. The law went into effect on July 16, 2021. *Id.*

2. The Counts and declarations sought by Plaintiffs are as follows:

- Count I: the Bill is not a valid local law under Md. Const. Art. XI-A (the Home Rule Amendment);
- Count II: the Bill is preempted by and in conflict with State law;
- Count III: the Bill is an unconstitutional taking under Md. Const. art. III § 40 and Md. Decl. Rights art. 24 (this count also seeks “just compensation” from the County);
- Count IV: the Bill violates due process because it is unconstitutionally vague under Md. Decl. Rights art. 24 and U.S. Const. 14th Amendment (the latter claim also seeks damages

and attorney's fees under 42 U.S.C. §§ 1983 and 1988, respectively).

3. Plaintiffs filed a 52-page Motion for Partial Summary Judgment on June 16, 2021.

4. On July 12, 2021, the County removed the Complaint to the United States District Court for the District of Maryland. On July 19, the federal court denied Plaintiffs' Motion, without prejudice, because the federal court's case management order precluded filing a motion without first seeking a pre-motion conference with the court. Thereafter, Plaintiffs filed a Motion to Remand the Complaint to state court. The County opposed that Motion.

5. By Order dated February 7, 2022, the federal court granted, in part, Plaintiffs' Motion to Remand. The federal court remanded Counts I, II, and III to this Court while retaining, but holding in abeyance, Count IV pending resolution of the other claims in this Court.

6. On this date, the Defendant Montgomery County, Maryland files its Motion to Dismiss or, Alternatively for Summary Judgment, and Opposition to Plaintiffs' Motion for Partial Summary Judgment, and Memorandum of Grounds and Authorities in Support of Defendant's Motion in this Court.

7. This is a Track 2 case and, according to the Court's Scheduling Order, motions and accompanying memoranda are not to exceed 15 pages.

8. The contemporaneously filed motion and memorandum addresses the three Counts and claims remanded to this Court and responds to Plaintiffs' motion. Together, the motion and memorandum are 48 pages in length.

9. Given the complexity of the issues contained in Counts I-III, and the necessary response to issues in Plaintiffs' motion, Defendant seeks permission to exceed the standard page limitation for a dispositive motion.

10. This motion is made to avoid any prejudice that would result from imposition of the

ordinary page limitation for dispositive motions.

WHEREFORE, Defendant respectfully seeks leave to exceed to the Court's page limitation for its opposition.

Respectfully submitted,

JOHN P. MARKOV'S  
ACTING COUNTY ATTORNEY

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 22<sup>nd</sup> day of February 2022, a copy of the foregoing was electronically served through the MDEC to:

Mark W. Pennak  
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/s/ Edward B. Lattner  
Edward B. Lattner, Chief  
Division of Government Operations

motion exceed page limit  
21-003732

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**ORDER**

UPON CONSIDERATION of the Motion to Exceed Page Limitation on Defendant's Opposition to Plaintiffs' Motion for Partial Summary Judgment filed herein, any response thereto, and the record as a whole, it is this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by the Circuit Court for Montgomery County, Maryland,

ORDERED, that the Motion to Exceed Page Limit on Defendant's Opposition to Plaintiffs' Motion for Partial Summary Judgment shall be, and hereby is, GRANTED.

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JUDGE, Circuit Court for  
Montgomery County, Maryland

cc: all parties of record